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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,445	12/31/2001	Jacquelyn Martino	US 010685	4835

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT PAPER NUMBER

2168

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,445

Applicant(s)

MARTINO ET AL.

Examiner

Greta L. Robinson

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11,13-15 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-11, 13-15 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-6, 8-11, 13-15, and 21-23 are pending in the present application.
2. Claims 2, 7, 12, 16-20 and 24 have been cancelled. Claims 1, 3, 6, 8, 11, 13 and 15 have been amended.

Drawings

3. The drawings were received on August 8, 2006; these drawings are acceptable.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 3-6, 8-11, 13-15 and 21-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim appears to be directed to an abstract idea that does not present a useful, concrete tangible result. Note the claims do not recite steps for outputting or displaying the sorted items. Claims 3, 4, 5, 8-10, 13-15 and 21-23 are rejected based on dependency.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 3-6, 8-11, 13-15, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiyoshi US Patent 6,601,067 B1 in view of Schindler US Patent 6,199,064 B1.

Regarding claim 1, Hiyoshi teaches "a sort controller receiving a plurality of information items regarding content" note *sort/merge processor 10* figure 1. Hiyoshi teaches *input files* for receiving a plurality of information, information is read through *file reading unit 15* figure 1. Hiyoshi teaches "wherein the sort controller sorts the information items" note *sort/merge execution unit 18* figure 1, also see column 4 lines 10-20. Hiyoshi does not specifically teach "primary and secondary sort keys derived from predetermined user sorting preferences for a current user task context and content type", however this feature is taught by Schindler. Schindler teaches items are

sorted by the value of their context and that the context is used to define the primary sort key and the secondary sort key [see: column 7 lines 45-65 items are sorted by the value of their context ; column 8 lines 39-66; and column 11 lines 30-39 "using the context to define the primary sort key" and "deriving a secondary sort key"]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Schindler with Hiyoshi because Schindler teaches how the primary and secondary sort keys are derived from a function of the context for sorting.

8. Regarding claim 3, "wherein a primary sort key is selected by the user and a secondary sort key is selected based on the nature of the current user task" [note: Hiyoshi Figure 1 rule setting unit 14 and extraction criteria 13; also note Schindler, col. 11 lines 29-39].

9. Regarding claim 4, "wherein a change in the current user task context is inferred from a change of the primary sort key by the user" [see: Schindler Figure 9 (435)].

10. Regarding claim 5, "wherein the plurality of information items are displayed in an order determined by the sort controller" [note: Hiyoshi, column 4 lines 28-32 and lines 53-55].

11. The limitations of claims 6 and 8-10 have been addressed above except for the following: an audio receiver, Internet access, and remote control device [note: Hiyoshi input device 28 figure 2, column 5 lines 25-34].

12. The limitations of method claims 11 and 13-15 parallel system claims 1 and 3-5; therefore they are rejected under the same rationale.

13. Regarding claims 21-23, a user interface communicably coupled to the sort controller to receive user input identifying the current user task context [note: Hiyoshi, column 4 lines 40-55; also note interface 26 Figure 2].

Response to Arguments

14. Applicant's arguments with respect to claims 1, 3-6, 8-11, 13-15, and 21-23 have been considered but are moot in view of the new ground(s) of rejection.

In the response Applicant argued, independent claims 1, 6 and 11 have been amended to recite sorting information items using primary and secondary sort keys derived from predetermined user sorting preferences. In response, note newly cited reference *Schlindler* teaches how primary and secondary sort keys are derived. Also, note new rejection cited under 35 USC 101. *Schlindler* was cited on form PTO 892 mailed April 28, 2005.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee et al. US Patent 5,148,541

Lawton US Patent Application Publication No. 2002/0078023

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2168

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
October 7, 2006